Appl. Serial No.: 10/535,421
Atty Docket No.: 10400-000163/US
Examiner: Jerry W. Anderson
Fax No.: 571-274-3734

this does not go thru

January 29, 2010

571-270-4734

INTERVIEW DISCUSSION POINTS - Application No. *10/535,421*

Dear Examiner Anderson:

Attached are proposed discussion points and claims for the *currently unscheduled* Examiner phone interview we discussed on the phone today. Please call me at 703-668-8021 to schedule an afternoon interview time, so that I may file a response for this case. The shortened statutory period for reply is February 16, 2010.

I plan to call you at the scheduled time of the interview. However, *if for some reason I do not call* (as emergencies do sometimes arise), *please call my direct business line at 703-668-8021*, ***and if necessary dial extension 8000 in order to immediately have me paged by our receptionist.***

Best regards,
Corey Smith (Reg. No. 57,807)

Discussion of Rejections

112, 1st and 2nd Paragraph Rejection of independent claim 1 (also applicable to independent claim 5)

Examiner's Assertions:

- "...flexible bottom being chamfered along the periphery adjacent the lateral walls" is indefinite and does not find support in the written description.

Applicant's Comment / Assertions:

- [*see Proposed Claim Amendments*]
  - Amendments are aimed at clarifying that the "chamfering" causes the bottom of the tray to bow out (i.e., "*convexly protrude*") away from the lateral walls (see instant FIGS. 1a-1e, 2a-2b and 4a-4b) when the package is not under vacuum.
    - This assists in explaining the chamfering which, in essence, increases the angle that joins the "flexible bottom" and "lateral walls."

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- Amendments also aim to clarify that the bottom of the tray forms a "*concave arch*" when the package is under vacuum.

103 Rejection of independent claim 1 (also applicable to independent claim 5)

Examiner's Assertions:

- Haamer in view of Snyder teaches or suggests all of the claim limitations.

Applicant's Comment / Assertions:

- [*see Proposed Claim Amendments*]
  - Example Embodiments: Example embodiments (as shown in the instant figures) are directed toward a package with a "flexible bottom" that changes from a *convex* shape to a *concave* shape, when the package is under vacuum. When a package is being microwaved, the edges of the package (and, the edges of the food in the package) receive more microwaves then the center of the package. By allowing the "flexible bottom" to form a *concave* arch under vacuum, a distance between the "flexible bottom" and the cover layer will be less in the center of the package, as compared to the edges of the package. This causes less food to exist in the center of the package, where less microwaves and being exposed to the food, causing a more even distribution of the heating of the food.
    - Another advantage of the "flexible bottom" changing shape is that when vacuum is applied to the package and the "flexible bottom" forms a concave arch, the food is somewhat pressed toward the edges of the package which assists in minimizing the amount of air left in the package, thereby causing a more thorough vacuum.
- Neither Haamer, nor Snyder, teach or suggest these features.

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Listing of Proposed Claims

1. (Currently Amended) A method of pasteurising and vacuum packing food, comprising:

placing the food on a tray up to a filling degree of 40-60% of the maximum volume of the tray, the tray having a flexible bottom and stiff lateral walls extending in the vertical direction of the tray~~, the flexible bottom being chamfered along the periphery adjacent the lateral walls~~;

covering the tray with a flexible cover layer to form a package, the flexible bottom being chamfered along the periphery adjacent the lateral walls causing the flexible bottom to convexly protrude away from the lateral walls when the package is not under vacuum;

providing a one-way valve for one-directional communication from the interior of the package to the exterior thereof;

pasteurising the contents inside the package thus formed by way of microwaves; and

closing the valve upon completed pasteurisation of the package and cooling the package, a vacuum being created in the package in such a manner that the package with the vacuum-packaged food therein presents a centre portion where the distance between said flexible cover layer and said bottom is shorter than the distance between said flexible cover layer and said bottom at the peripheral edges of the package, the vacuum causing the flexible bottom to form a concave arch relative to the lateral walls.

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2. (Previously Presented) A method as claimed in claim 1, wherein the one-way valve is arranged on said flexible cover layer.

3. (Previously Presented) A method as claimed in claim 2, wherein said one-way valve is applied on said flexible cover layer during the step of covering said tray with the flexible cover.

4. (Previously Presented) A method as claimed in claim 1, wherein said food includes all ingredients necessary for a ready-to-eat dish.

5. (Currently Amended) A package for use in a method of pasteurisation and vacuum-packing food, said method comprising:

placing the food on a tray up to a filling degree of 40-60% of the maximum volume of the tray,

covering the tray with a flexible cover layer,

providing one-way valve for one-directional communication from the interior of the package to the exterior thereof,

pasteurising the contents inside the package thus formed by way of microwaves, and

closing the valve upon completed pasteurisation of the package and cooling the package, a vacuum being created in the package, and the tray including a flexible bottom and rigid lateral walls extending in the vertical direction of the tray, the flexible bottom forming a concave arch relative to the

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lateral walls when the package is under vacuum, the flexible bottom being chamfered along the periphery adjacent the lateral walls causing the flexible bottom to convexly protrude away from the lateral walls when the tray is not under vacuum, said package with vacuum-packaged food contained therein presenting a centre portion, where the distance between said flexible cover layer and said bottom is shorter than the distance between said flexible cover layer and said bottom at the peripheral edges of the package.

6. (Previously Presented) A package as claimed in claim 5, wherein the bottom of said tray has a convex shape as seen from below, when the pressure inside the package exceeds or equals the pressure exteriorly thereof.

7. (Previously Presented) A package as claimed in claim 5, wherein the bottom of the tray is formed with a section that is spaced from the periphery of the bottom, which is essentially flat.

8. (Previously Presented) A package as claimed in claim 7, wherein said section forms more than 40% of the total area of the bottom.

9. (Previously Presented) A package as claimed in claim 5, wherein the valve is arranged on said flexible cover layer.

10. (Previously Presented) A package as claimed in claim 9, wherein said valve includes a slit formed in said flexible cover layer and of a reclosable

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adhesive film extending across the slit.

11. Previously Presented) A package as claimed in claim 5, wherein the valve is arranged to emit a sound signal when vapour is flowing through said valve.

12. (Previously Presented) A package as claimed in claim 5, wherein the tray part located at the periphery of the bottom extends at an angle to the direction of extension of the tray.

13. (Previously Presented) A method as claimed in claim 2, wherein said food includes all ingredients necessary for a ready-to-eat dish.

14. (Previously Presented) A method as claimed in claim 3, wherein said food includes all ingredients necessary for a ready-to-eat dish.

15. (Previously Presented) A package as claimed in claim 6, wherein the bottom of the tray is formed with a section that is spaced from the periphery of the bottom, which is essentially flat.

16. (Previously Presented) A package as claimed in claim 8, wherein the valve is arranged on said flexible cover layer.

17. (Previously Presented) A package as claimed in claim 16, wherein said valve includes a slit formed in said flexible cover layer and of a reclosable

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adhesive film extending across the slit.

18. (Previously Presented) A package as claimed in claim 17, wherein the valve is arranged to emit a sound signal when vapour is flowing through said valve.

19. (Previously Presented) A package as claimed in claim 6, wherein the tray part located at the periphery of the bottom extends at an angle to the direction of extension of the tray.

20. (Previously Presented) A package as claimed in claim 7, wherein the tray part located at the periphery of the bottom extends at an angle to the direction of extension of the tray.

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